

FAS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 23 AM 10:38

UNITED STATES OF AMERICA,

Plaintiff,

v.

Sebastian MARIN-Lopez,

Defendant

Magistrate Docket No.

08 MJ 1920


COMPLAINT FOR VIOLATION OF: <sup>ICW H</sup>

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **June 21, 2008** within the Southern District of California, defendant, **Sebastian MARIN-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF JUNE 2008.

  
Louisa S. Porter  
UNITED STATES MAGISTRATE JUDGE


**CONTINUATION OF COMPLAINT:**  
**Sebastian MARIN-Lopez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

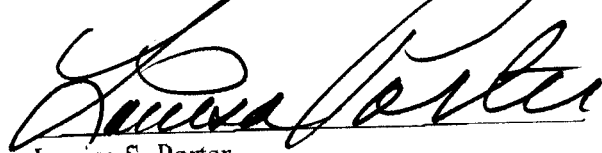
On June 21, 2008, Border Patrol Agent E. A. Hunt and Border Patrol Agent M. E. Meyers were performing line watch duties in the Chula Vista Border Patrol Station's area of responsibility. At approximately 6:45 a.m., a seismic intrusion was broadcasted via bureau radio around the area commonly known as "The Money Trail." This area is located approximately three miles north of the United States/Mexico International Boundary and approximately four miles east of the Otay Mesa, California Port of Entry. Agent Meyers and Agent Hunt responded to the area and discovered three individuals attempting to further their illegal entry into the United States. Agent Hunt approached the three individuals and identified himself and Agent Meyers as United States Border Patrol Agents. Agent Hunt then proceeded to question them individually as to their citizenship and nationality. All three individuals, including one later identified as the defendant, **Sebastian MARIN-Lopez**, answered "Mexico." When asked if they had any immigration documents that would allow them to enter or remain in the United States legally, they all answered "No." At approximately 7:00 a.m., all three individuals were placed under arrest and transported the Chula Vista Border Patrol Station for further investigation and processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 04, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 22, 2008 at 09:30 a.m.

  
Tomas M. Jimenez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 21, 2008**, in violation of Title 8, United States Code, Section 1326.

  
Louisa S. Porter  
United States Magistrate Judge

6/22/08 12:30 p.m.  
Date/Time